

PATENT
Atty. Docket No. PBLMD-51494

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Guy Bourdon

Serial No. 09/307,511

Filed: May 7, 1999

For: PRESSURE-CONTROLLED
BREATHING AID

Date: March 8, 2002

Examiner: Erez, Darwin P

Group Art Unit: 3761

Express Mail Label No. EL737701544US

L. Paiko
3-19-02
#15/Supl.
IDS

TECHNOLOGY CENTER R3700

MAR 18 2002

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to the duty of disclosure set forth in 37 CFR § 1.56 and the procedure set forth in 37 CFR §§ 1.97 and 1.98, Applicant submits for the Examiner's consideration, a copy of the references listed on the enclosed Form PTO/SB/08A. The references in this Information Disclosure Statement involve the revocation of a counterpart European Application No. 95 930 565.7 (Patent No. 0 782 462).

Also enclosed is our check in the amount of \$180.00 for the filing fee as set forth in 37 CFR § 1.17(p). Please charge any deficiency in fees or credit any overpayment to our Deposit Account No. 06-2425. A duplicate of this letter is enclosed.

03/14/2002 HGBREM1 00000007 09307511

01 FC:126

180.00 0P

Respectfully submitted,
FULWIDER PATTON LEE & UTECHT, LLP

By: *Ronald E. Perez*
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09-11-02

3761 #

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/307,511
	Filing Date	05/07/1999
	First Named Inventor	G. Bourdon
	Group Art Unit	3761
	Examiner Name	Darwin P. Erez
Total Number of Pages in This Submission	Attorney Docket Number	PBLMD-51494

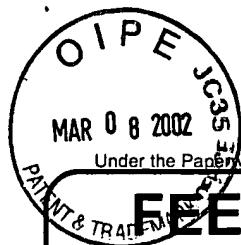
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (in dupl.) <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Second Supplemental Information Disclosure Statement (in duplicate) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Form PTO/SB/08A - 12 references - Return postcard
Remarks		 24201 PATENT TRADEMARK OFFICE

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Fulwider Patton Lee & Utecht, LLP Ronald E. Perez, Reg. No. 36,891
Signature	
Date	03/08/2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this _____			
Typed or printed name			
Signature		Date	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

EXPRESS MAIL LABEL NO. EL737701544US



PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	09/307,511
Filing Date	05/07/1999
First Named Inventor	G. Bourdon
Examiner Name	Darwin P. Erez
Group Art Unit	3761
Attorney Docket No.	PBLMD-51494

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 06-2425
Deposit Account Name: Fulwider Patton

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES

Total Claims: -20** = X =
Independent Claims: -3** = X =
Multiple Dependent: =

Large Entity Code (\$)	Small Entity Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Fee Code	Large Entity (\$)	Small Entity (\$)	Fee Description
105 130	205 65		Surcharge - late filing fee or oath
127 50	227 25		Surcharge - late provisional filing fee or cover sheet
139 130	139 130		Non-English specification
147 2,520	147 2,520		For filing a request for <i>ex parte</i> reexamination
112 920*	112 920*		Requesting publication of SIR prior to Examiner action
113 1,840*	113 1,840*		Requesting publication of SIR after Examiner action
115 110	215 55		Extension for reply within first month
116 400	216 200		Extension for reply within second month
117 920	217 460		Extension for reply within third month
118 1,440	218 720		Extension for reply within fourth month
128 1,960	228 980		Extension for reply within fifth month
119 320	219 160		Notice of Appeal
120 320	220 160		Filing a brief in support of an appeal
121 280	221 140		Request for oral hearing
138 1,510	138 1,510		Petition to institute a public use proceeding
140 110	240 55		Petition to revive - unavoidable
141 1,280	241 640		Petition to revive - unintentional
142 1,280	242 640		Utility issue fee (or reissue)
143 460	243 230		Design issue fee
144 620	244 310		Plant issue fee
122 130	122 130		Petitions to the Commissioner
123 50	123 50		Processing fee under 37 CFR 1.17(q)
126 180	126 180		Submission of Information Disclosure Stmt
581 40	581 40		Recording each patent assignment per property (times number of properties)
146 740	246 370		Filing a submission after final rejection (37 CFR § 1.129(a))
149 740	249 370		For each additional invention to be examined (37 CFR § 1.129(b))
179 740	279 370		Request for Continued Examination (RCE)
169 900	169 900		Request for expedited examination of a design application

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00

SUBMITTED BY

Name (Print/Type)	Ronald E. Perez	Registration No. (Attorney/Agent)	36,891	Telephone	310-824-5555
Signature	<i>Ronald E. Perez</i>	Date	03/08/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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EXPRESS MAIL LABEL NO. EL737701544US



INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)			Complete if Known		
			Application Number	09/307,511	
			Filing Date	05/07/1999	
			First Named Inventor	Bourdon	
			Group Art Unit	3761	
			Examiner Name	Darwin P. Erez	
Sheet	1	of	1	Attorney Docket Number	PBLMD-51494

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent Document No.		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code (if Known)			
DE	D6	5,129,390		Chopin et al.	07/14/1992	
DE	D4	5,664,652		Bourdon	09/09/1997	

FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office	Number	Kind Code (if Known)			
DE	D4	FR	2 695 830	A1	Pierre Medical	03/25/1994	
DE	D5	EP	0 402 951	A2	Akashi	12/19/1990	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T*
DE		Opposition filed by SIEMENS corresponding to European Appln. Ser. No. 95/930565.7 - Dated February 22, 2000.	
	EPO	Grounds of Decision of Revocation corresponding to European Appln. No. Ser. No. 95/930565.7 - Dated October 16, 2001 (with translation).	
	D1	Pocket Guide for Siemens System Servo Ventilator (November 1993).	
	D2	Operating Manual for Siemens Servo Ventilator 300 (May 1993).	
	D3	Service Manual for Siemens Servo Ventilator 300 (February 1994).	
	D7	F. CLERGUE, M. BAKIR & T. TARAKAT, "Le respirateur Servo Ventilator 900C," Departement d'anesthesie-reanimation (Pr P. Viars) Groupe hospitalier Pitie, Salpetriere, Paris, 5 pages.	
	D8	Siemens News Letter (November 1992).	
DE	D9	Technical Brochure of the SV300 (March 1992).	

Examiner Signature		Date Considered	6/28/02
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